

IAP7 Rec'd PCT/PTO 13 JUL 2006

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER NEB-236-PUS 107505964 <small>U.S. APPLICATION NO. If known, see 37 CFR 1.5</small>
INTERNATIONAL APPLICATION NO. PCT/US04/39288	INTERNATIONAL FILING DATE 22 November 2004 (22.11.2004)	PRIORITY DATE CLAIMED 21 November 2003 (21.11.2003)
TITLE OF INVENTION Modified DNA Cleavage Enzymes and Methods for Use (as amended by ISA)		
APPLICANT(S) FOR DO/EO/US NEW ENGLAND BIOLABS, INC.; GUAN, Chudi; KUMAR, Sanjay and KUCERA, Rebecca		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. <input checked="" type="checkbox"/> The US has been elected (Article 31). <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. <input checked="" type="checkbox"/> A preliminary amendment. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. <input type="checkbox"/> A substitute specification. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<p>20. Other items or information: Copy of PCT Request; copy of international publication no.WO 2005/052124; paper copy of sequence listing and statement that contents of electronic copy and paper copy are identical</p>																																																																																																										
<table border="1"> <thead> <tr> <th colspan="2">The following fees have been submitted</th> <th>CALCULATIONS</th> <th>PTO USE ONLY</th> </tr> </thead> <tbody> <tr> <td colspan="2">21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....</td> <td>\$ 300</td> <td></td> </tr> <tr> <td colspan="2">22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200</td> <td>\$ 200.00</td> <td></td> </tr> <tr> <td colspan="2">23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500</td> <td>\$ 100.00</td> <td></td> </tr> <tr> <td colspan="2">TOTAL OF 21, 22 and 23 =</td> <td>600.00</td> <td></td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</td> <td colspan="2"></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> </tr> <tr> <td>67 - 100 =</td> <td>-33 /50 =</td> <td>x \$250</td> <td>\$ 0.00</td> </tr> <tr> <td colspan="2">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td>\$ 0.00</td> <td></td> </tr> <tr> <td colspan="2">- CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> <td>\$</td> </tr> <tr> <td colspan="2">Total claims</td> <td>31 - 20 =</td> <td>11</td> <td>x \$ 50</td> <td>\$ 550.00</td> </tr> <tr> <td colspan="2">Independent claims</td> <td>8 - 3 =</td> <td>5</td> <td>x \$200</td> <td>\$ 1,000.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td></td> <td>+ \$360</td> <td>\$ 0.00</td> </tr> <tr> <td colspan="2"></td> <td colspan="2">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$ 2,150.00</td> </tr> <tr> <td colspan="2"><input checked="" type="checkbox"/> Applicant claims small entity status. 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- a. A check in the amount of \$ 1,115.00 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
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- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0740. A duplicate copy of this sheet is enclosed.
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NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Harriet M. Strimpel
New England Biolabs, Inc.
240 County Road
Ipswich, MA 01938



SIGNATURE

Harriet M. Strimpel, D.Phil.

NAME

37,008

REGISTRATION NUMBER

10/585964

AP20 Rec'd PCT/PTO 13 JUL 2006
PATENT

Practitioner's Docket No. NEB-236-PUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Guan, Chudi; Kumar, Sanjay; and Kucera, Rebecca

International Application No.: PCT/US04/39288

International Filing Date: 22 November 2004

Priority Date Claimed: 21 November 2003

For: Modified DNA Cleavage Enzymes and Methods of Use (as amended by International Searching Authority)

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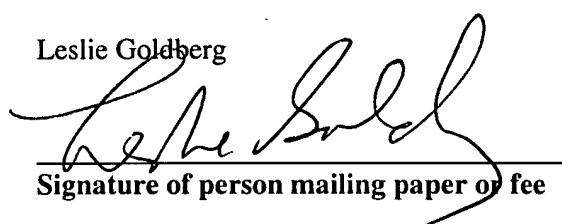
Date of Deposit 13 July 2006

I hereby state that the following *attached* paper or fee

petition for revival of an international application for patent designating the U.S. abandoned unintentionally, together with transmittal to DO/EO/US for entering the U.S. national phase with related papers and documents referenced therein

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Leslie Goldberg



Signature of person mailing paper or fee